

IN RE:
WILLIAM CALDERON

01 - Elec. App. – 075 (KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 340, issued May 2, 2001. The hearing was requested by William Calderon, the protestor and member of Teamsters Local Union 200, in Milwaukee, Wisconsin.

A hearing was held before me on May 14, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator’s Office; Mr. Calderon; Scott. D. Soldon, Esq., on behalf of Local Union 200; and Sebastian Busalacchi, president of Local Union 200. This office received no additional submissions.

Mr. Calderon’s protest alleged that Local Union 200, and specifically Mr. Busalacchi, breached their duty of representation to him by not adequately representing him in connection with a grievance filed by Mr. Calderon against his employer after he was terminated in April, 2001. He claims Mr. Busalacchi did a poor job representing his interests and did little to assist in the prosecution of his grievance because of Mr. Calderon’s support of general presidential candidate Tom Leedham. Mr. Busalacchi asserts that he was unaware of Mr. Calderon’s political affiliation until after the grievance hearing, and that his grievance was denied because Mr. Calderon was slow to provide evidence and ultimately did not provide sufficient documentation to support his grievance.

The EA’s investigation found that Mr. Calderon indeed did not timely provide evidence requested by Mr. Busalacchi and the employer¹. After the requested medical information

¹ One of the charges against Mr. Calderon was that he failed to advise his employer of impending absences. He claims that he had proof of such notification, but did not provide it to Mr. Busalacchi until mid December, almost a

was finally provided in February, 2001, the employer advised Mr. Calderon that it was not sufficient. Finally, on April 11, 2001, the employer denied his grievance based on his failure to supply the necessary medical information. The EA denied the protest, finding that Mr. Calderon had not substantiated his claims with respect to Mr. Busalacchi's representation or that the conduct complained of was in any way politically motivated.

Mr. Calderon claims that he provided the documentation regarding notification to Mr. Busalacchi on November 22, 2001, not in December, 2000. As to the sufficiency of the requested medical information, he argues that this evidence was not even required, since his termination was based on his lack of notification to Local Union 200 of a three-day absence. Finally, Mr. Calderon rejects Mr. Busalacchi's assertion of lack of knowledge of his political affiliation, claiming he was handing out flyers regarding Mr. Leedham's October 2000 appearance in Milwaukee just ten feet from Mr. Busalacchi's door.

The factual findings of the EA are to be given substantial deference. Based on these findings, I conclude that Mr. Calderon has failed to establish a nexus between his representation by Local Union 200 and Mr. Busalacchi and Rules-protected activity. Without evidence of such a connection, his protest was properly rejected. Accordingly, I affirm the EA's decision.

____s/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: May 24, 2001

month after Mr. Busalacchi's oral and written request dated November 21, 2000. Additionally, he did not provide medical information requested at the October 17, 2000 grievance hearing by both the employer and Mr. Busalacchi until February 2001, two weeks after the employer's imposed deadline.